

Application No. 09/869,282
Amendment dated October 7, 2009
Reply to Office Action of July 7, 2009

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claim 237 is currently pending. No claims have been amended. Claims 84-118, 120-125, 127-129, 172-197, 232, 233 and 235-236 have been canceled. New claim 237 has been added. No new matter has been added. Reconsideration is respectfully requested.

Claim 102 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 94, 103-108, 172 and 233 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 107 stands rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 84-87, 90, 123, 127 and 236 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0034528 to Foerster et al. (Foerster). Claim 88 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of U.S. Patent No. 6,813,520 to Truckai et al. (Truckai). Claim 89 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of U.S. Patent No. 6,716,179 to Burbank et al. (Burbank). Claims 91, 172-180, 182 and 235 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of U.S. Patent Application Publication No. 2001/0049481 to Fulton et al. (Fulton). Claim 92 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of U.S. Patent No. 6,254,633 to Pinchuk et al. (Pinchuk). Claim 93 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of U.S. Patent No. 6,162,192 to Cragg et al.

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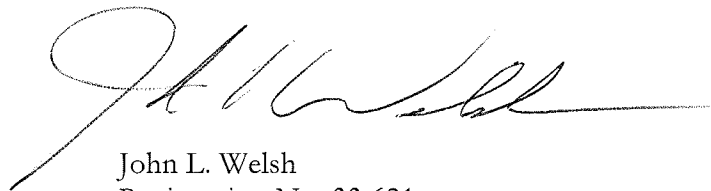
(Cragg). Claims 94, 95, 98-100, 111-113, 120, 121, 124, 125, 128, 129, 183, 184 and 194 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of U.S. Patent No. 6,220,248 to Voegelé et al. (Voegelé). Claims 96, 97, 102, 110 and 112 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of Voegelé and further in view of Cragg. Claims 101, 103-106, 109, 114-116 and 196 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of Voegelé and further in view of U.S. Patent No. 6,659,996 to Kaldany (Kaldany). Claims 107 and 108 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of Voegelé and Kaldany and further in view of U.S. Patent No. 6,484,050 to Carroll et al. (Carroll). Claims 117 and 118 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of Voegelé and further in view of U.S. Patent No. 5,879,357 to Heaton et al. Claim 181 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of Fulton and further in view of Truckai. Claims 184-193 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foerster in view of Voegelé and further in view of Fulton. These rejections are deemed moot in view of the above amendment.

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New claim 237 sets forth structure not shown or taught by any of the cited references.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. L. Welsh', with a long horizontal flourish extending to the right.

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